

### **REMARKS**

Claim 25 was objected to for informalities. Claim 34 was objected to for informalities. Claims 16 to 17 and 31 to 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Suelter (US 5,876,194) in view of Draskovits et al. (US 5,466,135). Claims 18 to 19 and 22 to 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Suelter (US 5,876,194) and Draskovits et al. (US 5,466,135) in further view of Dworak et al. (US 4,443,168). Claims 20 to 21 and 24 to 30 would be allowable if rewritten to overcome 35 U.S.C. §112 rejections and to include all of the limitations of the base claims and any intervening claims.

Claims 16, 20, 25 and 34 have been amended.

Reconsideration of the application based on the following remarks is respectfully requested.

#### **Claim Objections**

Claim 25 was objected to because of informalities.

The Office Action asserts that in claim 25, line 2, the word “sdame” should be changed to “same.”

Claim 25 has been amended in response to the Office Action.

Withdrawal of the objection of claim 25 is respectfully requested.

Claim 34 was objected to because of informalities.

The Office Action asserts that in claim 34, line 4, the word “roller” should be changed to “rotor.”

Claim 34 has been amended in response to the Office Action.

Withdrawal of the objection of claim 34 is respectfully requested.

#### **35 U.S.C. 103(a) Rejections**

Claims 16 to 17 and 31 to 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over Suelter (US 5,876,194) in view of Draskovits et al. (US 5,466,135).

Suelter discloses a fixed displacement vane-type hydraulic machine comprising “a rotor, a plurality of vanes carried by the rotor, side plates on opposed sides of the rotor, and a

cam carried between the side plates surrounding the vanes and rotor to define fluid chambers between the vanes.” (Col. 1, Lines 44 to 47).

Draskovits et al. discloses a rotary vane cell pump. The invention concerns a vane-cell pump having a cam ring supported in the housing where a rotor fastened to a shaft rotates with the vanes in radially moveable slots.” (Col. 1, Lines 4 to 6).

Claim 16 has been amended to recite “a first pin positioning the contour ring with respect to the side plate, the first pin passing axially through the contour ring and not passing through the side plate.” Support found in the specification in paragraph [0023], for example.

Suelter fails to teach or show “the first pin passing axially through the contour ring and not passing through the side plate” as now recited in claim 16. The passing of the pin through the contour ring does not subject the pins to bending stress but rather shearing stress which makes smaller dimensional deviations possible. (See specification paragraph [0019] and [0022]).

Claim 34 has been amended to recite, “a double-stroke contour ring having a first through hole.” Support found in the specification in paragraph [0022] and [0023], for example.

Suelter fails to teach or show “a double-stroke contour ring having a first through hole,” as now recited in claim 34. As discussed above, the passing of the pin through the contour ring does not subject the pins to bending stress but rather shearing stress which makes smaller dimensional deviations possible. (See specification paragraph [0019] and [0022]).

Withdrawal of the rejection of independent claims 16 and 34 under 35 U.S.C. §103(a) and the dependent claims 17 and 31 to 33 is respectfully requested

Claim 18 to 19 and 22 to 23 were rejected under 35 U.S.C. §103(a) as being unpatentable over Suelter (US 5,876,194) and Draskovits (US 5,466,135) in further view of Dworak et al. (US 4,443,168).

In light of the discussion above, withdrawal of the rejection of claims 18 , 19, 22 and 23 is respectfully requested.

Furthermore, with regards to claim 19 reciting “further comprising a second side plate and a third pin positioning the second side plate with respect to the housing or the cover, the third pin not passing through the second side plate and the third pin not contacting the contour ring.”

Neither Suelter nor Draskovits et al. teaches or discloses a “third pin.” There is no motivation to combine Suelter, Draskovits et al. and Dworak et al. Dworak et al. does not disclose vane cell pumps, and relates to centering an end wall.

Furthermore, with regards to claim 23 reciting “ further comprising a third pin and a second side plate, the third pin positioning the second side plate with respect to the housing or the cover, wherein the first pin and the third pin protrude approximately into a middle of a thickness of the second side plate.”

As discussed above, neither Suelter nor Draskovits et al. teaches or discloses a “third pin.” There is no motivation to combine Suelter, Draskovits et al. and Dworak et al. Dworak et al. does not disclose vane cell pumps, and relates to centering an end wall.

#### Allowable claims

Claims 20 to 21 and 24 to 30 are allowable if rewritten to overcome the rejections under 35 U.S.C. §112, 2<sup>nd</sup> paragraph, above and must include all of the limitations of the base claim and any intervening claims.

Claim 20 has been re-written in independent form.

Withdrawal of the objections of claims 20 to 21 and 24 to 30 is respectfully requested.

**CONCLUSION**

It is respectfully submitted that the application is in condition for allowance and applicants respectfully request such action.

If any additional fees are deemed to be due at this time, the Assistant Commissioner is authorized to charge payment of the same to Deposit Account No. 50-0552.

Respectfully submitted,

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